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EXAMINER

MAHONEY, CHRISTOPHER E

ART UNIT PAPER NUMBER

2851

DATE MAILED: 09/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/165,315

Applicant(s)

TAMURA ET AL.

Examiner

Christopher E Mahoney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 17-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-3 and 6-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Moghadam (U.S. Patent No. 5,917,542). Moghadam teaches a digital camera 22 with an image pickup device 30 for picking up light and converting it to electric signals, a print information producing device 36, 44, and a transmitting device 38, 40. The applicant is directed to review figure 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moghadam (U.S. Patent No. 5,917,542) in view of Saegusa (U.S. Pat. No. 5,799,217). Moghadam teaches the salient features of the claimed invention except for a battery check device. Saegusa teaches a battery check device for a camera which determines the battery power and functional limits based on the battery exhaustion, which then displays the information accordingly. The applicant is directed to review the abstract as well as figures 1 and 3-6. It would have been obvious at the time the invention was made for one of ordinary skill in the art to include the features taught by Saegusa for the purpose of accurately assess battery function and warning the operator.

Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moghadam (U.S. Patent No. 5,917,542) in view of Friend et al (Understanding Data Communications). Moghadam teaches the salient features of the claimed invention except for a explicitly stating that it acknowledges proper receipt of information. Friend teaches that it was known to receive receipt information especially when there is an error in communication. This is discussed on page 177 of Friend. If the applicant wishes, additional pages of this text can be supplied for the detailed descriptions of the topics touched upon on page 177. It would have been obvious at the time the invention was made for one of ordinary skill in the art to include the features taught by Friend for the purpose of error checking. The examiner notes that modem software, which has

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been in existence for decades, sends and receives receipt acknowledgments as well as notifying the user of such acknowledgments.

Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moghadam (U.S. Patent No. 5,917,542) in view of Kaihatsu (U.S. Pat. No. 5,898,386). Moghadam teaches the salient features of the claimed invention except for a transmitter ID signal transmission. Kaihatsu teaches in the abstract as well as figures 11 and 12 that it was known to transmit transmitter ID. It would have been obvious at the time the invention was made for one of ordinary skill in the art to include the features taught by Kaihatsu for the purpose of proper tracking and identification.

Claims 1-3 and 6-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hull (U.S. Patent No. 5,806,005) in view of Inoue (U.S. Patent No. 4,728,978). Hull teaches the salient features of the claimed invention including a digital camera with a CCD 20 and means for transmitting print information 28. Hull does not teach that the print information includes number of prints or which prints to print. Inoue teaches that it was known for the user to include the number of prints information from the camera. The applicant is directed to review figure 8 as well as col. 2, lines 19-25. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features as taught by Inoue for the purpose of automatically indicating print information.

Claims 4-5 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hull (U.S. Patent No. 5,806,005) in view of Inoue (U.S. Patent No. 4,728,978) as applied to claims 1-3 and 6-13, and further in view of Saegusa (U.S. Pat. No. 5,799,217). Hull in view of Inoue

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teaches the salient features of the claimed invention except for a battery check device. Saegusa teaches a battery check device for a camera which determines the battery power and functional limits based on the battery exhaustion, which then displays the information accordingly. The applicant is directed to review the abstract as well as figures 1 and 3-6. It would have been obvious at the time the invention was made for one of ordinary skill in the art to include the features taught by Saegusa for the purpose of accurately assess battery function and warning the operator.

Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hull (U.S. Patent No. 5,806,005) in view of Inoue (U.S. Patent No. 4,728,978) as applied to claims 1-3 and 6-13, and further in view of Friend et al (Understanding Data Communications). Hull in view of Inoue teaches the salient features of the claimed invention except for a explicitly stating that it acknowledges proper receipt of information. Friend teaches that it was known to receive receipt information especially when there is an error in communication. This is discussed on page 177 of Friend. If the applicant wishes, additional pages of this text can be supplied for the detailed descriptions of the topics touched upon on page 177. It would have been obvious at the time the invention was made for one of ordinary skill in the art to include the features taught by Friend for the purpose of error checking. The examiner notes that modem software, which has been in existence for decades, sends and receives receipt acknowledgments as well as notifying the user of such acknowledgments.

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the salient features of the claimed invention except for a transmitter ID signal transmission. Kaihatsu teaches in the abstract as well as figures 11 and 12 that it was known to transmit transmitter ID. It would have been obvious at the time the invention was made for one of ordinary skill in the art to include the features taught by Kaihatsu for the purpose of proper tracking and identification.

Response to Arguments

Applicant's arguments with respect to claims 1-13 and 17-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher E Mahoney whose telephone number is (703) 305-3475. The examiner can normally be reached on 8:30AM-5PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on (703) 308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



CHRISTOPHER MAHONEY
PRIMARY EXAMINER